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OFFICIAL DOCUMENTS

EXTRADITION TREATY BETWEEN THE ARGENTINE REPUBLIC AND THE SWISS CONFEDERATION ¹

*Signed at Buenos Aires November 21, 1906; ratifications exchanged
December 6, 1911*

The Government of the Argentine Republic and the Federal Council of the Swiss Confederation, being desirous of strengthening the ties of friendship existing between both countries and of arriving at a uniform action in regard to the extradition of those persons accused of crime in accordance with the respective laws in force in the two countries, have resolved to conclude a convention, and have appointed for this purpose their respective plenipotentiaries, to wit:

The Government of the Argentine Republic, Señor Doctor Manuel Augusto Montes de Oca, Minister-Secretary in the Department of Foreign Relations and Worship, and

The Federal Council of the Swiss Confederation, M. Joseph Choffat, Minister Resident of Switzerland in the Argentine Republic,

Who, after having communicated their respective full powers, found in good and due form, have agreed upon the following articles:

ARTICLE I

The high contracting parties engage to surrender to each other in accordance with the provisions of the present convention, those persons who, being accused or convicted of any of the crimes or offenses enumerated in Article II, shall have taken refuge in the territory of the other state.

¹ *Boletín del Ministerio de Relaciones Exteriores y Culto*, Argentine Republic, January, 1912, Vol. XXXIII, No. IV, p. 349.

ARTICLE II

The crimes or offenses for which extradition is to be granted are the following:

1. Homicide;
2. Murder;
3. Parricide;
4. Infanticide;
5. Poisoning;
6. Voluntary abortion;
7. Voluntary assault occasioning unintentional death, or resulting in the serious or permanent mutilation of a member or organ of the body;
8. Rape, carnal knowledge, or any attempt against chastity;
9. Attempt, with or without violence, against the chastity of children of either sex, under the age of fourteen years;
10. Bigamy;
11. Abduction, and kidnapping of persons; suppression or substitution of children;
12. Child-stealing.
13. Falsification or alteration of money, paper money, commercial currency paper, shares of stock, and other certificates issued by the state, corporations, companies, or individuals; uttering, circulating, or counterfeiting postage stamps, stamps, coins, or state seals, or seals of other offices; introducing, uttering or using said counterfeit objects or goods; using false documents or acts to accomplish these different ends; fraudulent use of stamps, seals and authentic marks;
14. Falsifying a public or private document; falsifying letters of exchange or any other commercial paper and using said falsified documents;
15. False testimony, perjury or subornation of perjury, or bribery in any civil or criminal matter;
16. Bribery of public officials;
17. Embezzlement or misappropriation of public funds; fraudulent exaction of funds by public officials or depositories;
18. Arson and abuse of explosives;
19. Voluntary destruction or damage of railways, steamers, ports, electrical apparatus and appliances (telegraphs, telephones) and endangering the exploitation thereof;

20. Highway robbery; extortion; robbery, and concealment of the robber or of the stolen goods;

21. Voluntary acts committed with the purpose of sinking, wrecking, destroying, disabling or damaging a ship when danger might result thereby to a third party;

22. Embezzlement;

23. Abuse of confidence, and fraudulent appropriation of money;

24. Fraudulent bankruptcy.

Extradition is to be granted for participation in or attempt to commit any one of the aforesaid crimes, provided such participation or attempt be punishable by the laws of the contracting countries.

Extradition shall be granted for the crimes above named if the acts constituting the same are punishable with no less than one year of imprisonment according to the laws of the contracting parties.

ARTICLE III

Extradition shall not take place

1. If the individual is a native or naturalized citizen of the nation from whom surrender is demanded;

2. For political offenses or for acts connected with political offenses;

3. If the crime has been committed in the territory of the nation on whom the demand is made;

4. If the requisition for the extradition is made for the same crime or offense for which the person claimed has been prosecuted, convicted or acquitted in the country on which the demand is made;

5. If the sentence or prosecution is barred by the statute of limitations in accordance with the laws of the claiming state or of the state on whom the demand is made, before the arrest or summoning of the person claimed.

ARTICLE IV

Extradition shall not take place if the person claimed is prosecuted for the same crime or offense in the country from which extradition is asked.

ARTICLE V

If the penalty imposed by the laws of the state demanding the extradition for the offense which causes said demand consists in corporal punishment, extradition shall depend upon the condition that the penalty, if imposed, shall be commuted for that of imprisonment or fine.

ARTICLE VI

Extradition shall not be granted except on condition that the person surrendered shall not be prosecuted before a *court of exception*.

ARTICLE VII

If the person for whom requisition is made shall be in course of trial, or shall have been convicted of an offense other than that for which the surrender is demanded, extradition shall only take place after the trial shall have been concluded and the sentence fulfilled or a pardon granted.

ARTICLE VIII

Persons whose extradition may be granted shall not be prosecuted nor punished for crimes or offenses committed prior to those for which extradition is asked, nor for acts connected with these crimes or offenses, unless the country surrendering them should consent thereto and provided that said crimes appear amongst those enumerated in Article II.

Likewise they shall not be surrendered to a third state demanding their surrender for acts different from those which have caused the extradition.

These restrictions shall not apply if the person whose extradition has been granted expressly consents to being prosecuted or sentenced for an offense committed previously and not mentioned in the requisition for extradition, or consents to be surrendered to a third state, or finally, if he resides in the country where he has been tried for a period of three months from the date in which he was served his sentence, or from the date of his pardon and liberty, or in case he should have returned to the territory of the state demanding his extradition.

ARTICLE IX

If, in accordance with the provisions set forth in the present convention, the extradition should not have been granted, the person claimed shall be tried, if there is reason therefor, by the courts of the state applied to, in conformity with its laws, and the final judgment must be communicated to the government making the requisition.

On the other hand, the state at whose request the citizen of the other state should have been tried and sentenced, binds itself in turn not to prosecute any action against the same person and for the same act, unless

said person should not have served the sentence imposed on him in his own country.

ARTICLE X

When the crime or offense for which requisition is made has been committed in the territory of a third state not demanding the surrender of the offender, the extradition shall not be granted, except when the laws of the country on whom such demand is made shall authorize the prosecution for the same offenses committed outside its territory.

ARTICLE XI

If the individual whose extradition is claimed in pursuance of the present convention, is also claimed by one or several other governments for crimes committed in their respective territories, his extradition shall be granted to that state in whose territory he should have committed the most grievous offense, and in case of the offenses being equally serious, to the one whose demand for extradition is earliest in date.

ARTICLE XII

If the individual claimed is not a citizen of the demanding state, and should his government also claim him for the same crime, the government on whom such demand is made shall be empowered to surrender him to whichever it may be convenient.

ARTICLE XIII

The request for extradition shall always be made through the diplomatic agents, and in default thereof, through the consul of highest rank of the country demanding the extradition.

It must be accompanied.

1. By the original or authenticated copy of the warrant of arrest or of any other order to the same effect, or by the adverse judgment and sentence rendered by the competent authority according to the formalities prescribed by the laws of the country claiming the extradition;

These documents must disclose the acts on which the accusation is based, the place where the same have been committed, and the date thereof;

2. By a copy of the provisions of the penal law applicable to the crime or offense in question.

3. By a description, as accurate as possible, of the person claimed.

ARTICLE XIV

At the request either by mail or by telegraph, of the competent authority of the country making the requisition, and stating at the same time that the warrant of arrest is being remitted through diplomatic channels, a fugitive whose extradition may be demanded for any of the crimes included in Article II, may be provisionally arrested.

The person so arrested shall be set at liberty if, within the term of three months from the date of his arrest, a diplomatic requisition for his extradition has not been sent in accordance with the form prescribed by Article XIII, unless the arrest should be justified for some other reason.

ARTICLE XV

If, in a criminal prosecution relating to one of the crimes mentioned in Article II, one of the two governments should deem it necessary to proceed to the examination of witnesses domiciled in the other state, or to undertake any other proceedings, letters rogatory of urgent character shall be issued to that effect through diplomatic channels, and the same shall be despatched in accordance with the laws of the country.

The respective governments waive any claim for the reimbursement of the expenses resulting from the execution of the letters rogatory, unless for the services of criminal, commercial or medico-legal experts.

There shall likewise be no claim for the expenses incurred in the execution of judicial acts done spontaneously by the magistrates of each country in the prosecution or corroboration of crimes committed within their territory by the foreigner who should afterwards be prosecuted and tried in his own country.

ARTICLE XVI

If the appearance of a witness in a criminal case relating to one of the crimes mentioned in Article II should be deemed necessary or convenient, the government of the country where such witness resides shall notify him to obey the summons issued to him, and, should he consent thereto, the government demanding his appearance shall reimburse him for all traveling and sojourning expenses from the moment of leaving his residence, said expenses to be calculated according to the tariffs in force where he must appear, unless the government issuing the summons should deem it its duty to grant to the witness a larger indemnity.

ARTICLE XVII

No person of whatever nationality who, being summoned as a witness in one of the two countries, should have appeared voluntarily before the tribunals of the other country, shall be prosecuted or arrested for crimes or offenses, or for civil, criminal or correctional sentences rendered prior to his departure from the country on whom the requisition is made, nor under any pretext of complicity in the acts which are the object of the prosecution in which he appears as a witness.

ARTICLE XVIII

It is formally agreed that the transit through the territory of one of the contracting parties of a person surrendered by a third Power to the other party, and who is not a citizen of the country through which he travels, shall be granted upon the simple presentation through diplomatic channels of the warrant of arrest or of the sentence, providing he shall not be accused of any political offense or of any acts connected with the same, or of any offenses purely military, and provided further that the act on which the extradition is based is one of those enumerated in Article II of the present convention.

The transportation shall be made by the shortest and speediest route, and under the vigilance of the agents of the country on whom the requisition has been made, and at the expense of the government making such requisition.

ARTICLE XIX

The articles connected with an offense or crime found in the possession of the person claimed, or which might have been concealed and subsequently found, as well as the implements or instruments which have been used to commit the offense, and all other evidence which might tend to prove the commission of the crime, shall be surrendered together with the person claimed.

The rights which a third party might have in the articles in question shall be reserved, and such articles shall be returned to them without expense at the conclusion of the trial.

ARTICLE XX

The expenses incurred in the territory of the state on whom the requisition is made, for the capture, arrest, custody and maintenance

of the person claimed, and the transportation of the articles mentioned in Article XIX of the present convention, shall be on account of said state.

ARTICLE XXI

The documents submitted or communicated to the authorities of the other state, pursuant to the present convention, must always be accompanied by a Spanish translation in the case of the Argentine Republic, and a French translation in the case of the Swiss Confederation.

ARTICLE XXII

The present convention shall be in force twenty days after its promulgation, which must be made, simultaneously, within the shortest time possible in both countries. It shall remain in force in accordance with the provisions of their respective laws until six months after the date on which one of the two governments should have expressed its desire to terminate its effects.

This convention shall be ratified and the ratifications exchanged in Buenos Aires within the shortest time possible.

In witness whereof, the respective plenipotentiaries sign the present convention affixing their seals thereto.

Done in duplicate originals in Buenos Aires, on the twenty-first day of November, 1906.

L. S. (Signed) M. A. MONTES DE OCA.

L. S. (Signed) J. CHOFFAT.

TREATY OF FRIENDSHIP AND COMMERCE BETWEEN THE REPUBLIC OF BOLIVIA AND THE GERMAN EMPIRE ¹

Signed at La Paz July 22, 1908; ratifications exchanged March 15, 1910

His Majesty, the Emperor of Germany, King of Prussia, on behalf of the German Empire, and His Excellency, the President of the Republic of Bolivia, prompted by the desire of promoting and consolidating the relations of friendship and commerce between both countries, have

¹ *Reichs-Gesetzblatt*, No. 14, March 19, 1910.